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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/255,277 06/08/94 SOMBRUEK

R PHN14491

EXAMINER  
BRIER, J

26M2/0830

ART UNIT PAPER NUMBER

CORPORATE PATENT COUNSEL  
U.S. PHILIPS CORPORATION  
580 WHITE PLAINS ROAD  
TARRYTOWN, NY 10591

2609

DATE MAILED: 08/30/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 6/8/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 1 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.                  |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-11 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

**Part III DETAILED ACTION**

*Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

*Specification*

2. The disclosure is objected to because of the following informalities:

the British spelling of maneuvering (maneouvering-which was misspelled by applicant) should be changed to the more common spelling at page 1 lines 23 and 25 as well as at page 4 line 13;

at page 8 line 5 "4,3" should be changed to --4.3--;

at page 8 line 6 "0,7" should be changed to --0.7--;

at page 8 line 7 "0,8" should be changed to --0.8--; and

at page 8 line 8 "2,2" should be changed to --2.2--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section

371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Felsenstein U.S. Patent No. 5,012,231. At column 5 lines 47-51 this references describes a variable speed cursor.

Note also the last lines of the Abstract.

5. Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mikan U.S. Patent No. 5,376,946. Note figures 7 and 11. Note figures 1-10 and column 1 to column 20 line 23 have a 102(e) date of at least July 8, 1991 and figures 11 and 12 and column 20 line 23 to column 26 have a 102(e) date of at least September 13, 1993.

6. Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kato Japanese Patent Publication No. 1-200285.

#### ***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levine European Patent Application Publication No. 0 062 133 describes determining the cursor rate based upon user reaction times.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Monday through Friday from 7:15am to 3:45pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for this Group is (703)-308-5399.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

August 30, 1995

*Jeffery A. Brier*  
JEFFERY BRIER  
PRIMARY EXAMINER  
GROUP 2600